

# Notice of Allowability

Application No.

10/772,665

Examiner

Ting Zhou

Applicant(s)

YAMAGUCHI ET AL.

Art Unit

2173

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1,3-5,7-9 and 11-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 08/14/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. The amendment filed on 14 August 2007 have been received and entered. Claims 2, 6 and 10 have been cancelled. Claims 1, 3-5, 7-9 and 11-13 as amended are pending in the application.

### ***Allowable Subject Matter***

2. Claims 1, 3-5, 7-9 and 11-13 are allowed.

3. The following is an examiner's statement of reasons for allowance: The present invention teaches the display of a plurality of icons movably on a visible circular orbit. Each of the independent claims identify the distinct feature of forming a discontinuity in the circular orbit, and the icon newly registered as invisible disappears at the discontinuity of the orbit with visual effect, while the icon newly registered as visible appears at the discontinuity of the orbit with visual effect. The closest prior art, Kurtenbach U.S. Patent 5,926,178 and Tojo et al. U.S. Publication 2004/0250217 (hereinafter "Tojo") teach an interface in which the display is updated via icons disappearing from the display while new icons appear on the display in response to an external user command. In the case of the Kurtenbach reference, Kurtenbach teaches a display icon management means for managing the plurality of icons displayed on the orbit according to a numerical upper limit (displaying menu icons in a circular orbit as a marking menu; for example, as shown in Figure 6, up to the upper limit of 8 menu items are displayed in a circular orbit) (Kurtenbach: column 4, lines 53-59 and column 8, lines 31-33); a non-display icon management means for managing, in the case where one or more icons in excess of the upper limit are set

selectable on the display screen, the one or more icons in excess as an invisible icon or icon train contiguous to the icon train displayed on the orbit (the additional, or overflow menu icons in excess of the eight menu items displayed in the circular orbit are displayed contiguous to, i.e. below the circular orbit in a linear portion) (Kurtenbach: column 4, lines 53-59 and Figure 6). In the case of the Tojo reference, Tojo teaches an icon train display updating means for updating an icon train displayed on the orbit according to an external command on the basis of information registered in the display management means (upon user input, the menu icons on the circular display is rotated to update the display) (Tojo: page 2, paragraphs 0039-0040 and further shown in Figures 4(a)-4(d)); and a visual-effect means for moving icons into and out of the display with a visual effect (for example, menu icons A-F can be visually moved to rotate between desired icons; furthermore, Figures 5(a) and 5(b) show that the menu icon "B" visually disappears while the new menu icon "K" visually appears on the display in response to corresponding user input indicating selection/rotation) (Tojo: page 2, paragraph 0039 – page 3, paragraph 0043 and page 3, paragraph 0045). The prior art fail to teach forming a discontinuity in the circular orbit, and the icon newly registered as invisible disappears at the discontinuity of the orbit with visual effect, while the icon newly registered as visible appears at the discontinuity of the orbit with visual effect. Therefore, the prior art fail to anticipate or render the above limitations obvious.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

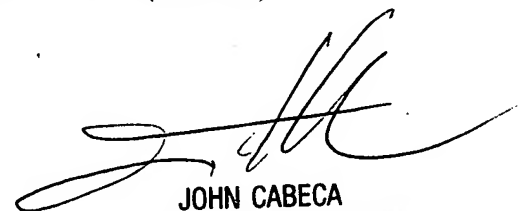
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER  
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